THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 7845 OF 2006

DATED: 20-04-2006

BETWEEN:

Gangiredla Paradesamma, wife of Rama Rao

… Petitioner

And

Visakhapatnam Municipal Corporation,

Visakhapatnam, represented by its

Municipal Commissioner and another

…Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 7845 OF 2006

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ORDER:

Petitioner filed the present writ petition seeking a Writ of Mandamus to declare the inaction of the 1st respondent in not depositing the balance amount of Rs.1,10,000/- before the 2nd respondent as per the letter dated 14-03-2005 issued by the 2nd respondent to the 1st respondent and the 2nd respondent not passing the award under the Land Acquisition Act in an extent of 46 sq. meters in Survey No.43/1B, 1/C and 1/D of Maddilapalem village, Visakhapatnam Urban Mandal and Urban Area

Limits wherein C.C. road was already formed for public purpose as illegal and arbitrary.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the record.

Neither the lands of the petitioners have been acquired for the purpose of laying a cement road nor it has been stated that the petitioner is a proper and necessary party to question the action of the respondents or the method and manner of initiating the land acquisition proceedings.

In the instant case Land Acquisition proceedings have been initiated, advance possession has been taken and an advance amount of Rs.3,00,000/- has also been paid. It is the case of the petitioner that for passing an award, another amount of Rs.1,10,000/- has to be deposited. If it is not deposited there should be grievance to the land owners, but it can not be said that the petitioner is having such grievance. Therefore, the petitioner cannot seek a direction to deposit the said amount of Rs.1,10,000/- so as to enable the Land Acquisition Officer to pass an award. Hence writ petition fails, and is liable to be dismissed.

Writ petition is accordingly dismissed. No costs.

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V. ESWARAIAH, J.

Dated: 20-04-2006

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